



Department of Environmental Quality

To protect, conserve, and enhance the Quality of Wyoming's environment for the benefit of current and future generations



Mathew H. Mead, Governor

Todd Parfitt, Director

March 13, 2015

CERTIFIED 7013 2630 0001 0391 1069

Ms. Christine Burtness
P.O. Box 1140
Santa Barbara, CA 93102

RE: Etna Trading Company

Dear Ms. Burtness:

Enclosed you will find a Notice of Violation and Order (NOV), Docket Number 5540-15, issued under the provisions of W.S. 35-11-701(c). Tanks at the Etna Trading Company have been in temporarily out-of-use (TOU) status for more than 3 years.

The NOV orders you to: 1) meet the requirements for tanks that have been TOU for more than 6 months; 2) complete a minimum site assessment, which is required for tanks that have been TOU for more than 3 years; and 3) obtain both a licensed Class A and Class B Storage Tank Operator for the underground storage tanks at the Etna Trading Company. The NOV also includes a fuel delivery prohibition or "Red Tag" Order. The Red Tag Order will not be lifted until you have a licensed Class B Storage Tank Operator for the facility.

ANY APPEALS TO THE ENVIRONMENTAL QUALITY COUNCIL FROM THE ATTACHED ORDER MUST BE MADE IN WRITING WITHIN THE TEN (10) DAY TIME LIMIT PRESCRIBED BY W.S. 35-11-701(c). Chapter I, Section 3 of the enclosed Department of Environmental Quality Rules of Practice and Procedure sets forth the requirements for the initiation of appeal proceedings. You are urged to review all provisions of the attached Rules of Practice and Procedures as they relate to this action.

If you appeal this order and request a hearing, please file two copies of your written petition. One copy of the petition should go to the Chairman of the Environmental Quality Council at Room 1714, Herschler Building, 1st Floor West, 122 West 25th Street, Cheyenne, Wyoming 82002. The second petition should be sent to the Director, Wyoming Department of Environmental Quality, Herschler Building, 4th Floor West, 122 West 25th Street, Cheyenne, Wyoming 82002. Both petitions must be sent by certified mail, return receipt requested.

Todd Parfitt
Director
Department of Environmental Quality

Luke Esch
Administrator
Solid and Hazardous Waste Division

TP/LE/KH

Enclosure: Notice of Violation and Order, Rules of Practice and Procedure



BEFORE THE
DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF
VIOLATION ISSUED TO:

Ms. Christine Burtness
P.O. Box 1140
Santa Barbara, California 93102

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DOCKET NUMBER 5540-15

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. Christine Burtness owns the Etna Trading Company, underground storage tank (UST) facility number 0-004194, located at 107857 North Highway 89, Etna, Wyoming. Tanks at this facility were placed in temporarily out-of-use (TOU) status on May 12, 2011.
2. The tanks at this facility have been TOU for more than 3 years. The tank fees for 2015 have not been paid. A minimum site assessment has not been completed. The facility does not have licensed Class A and Class B storage tank operators.
3. The DEQ has determined that the following violations of Wyoming Water Quality Rules and Regulations (WWQRR), Chapter 17 have occurred:

Count 1: Failure to Meet Requirements for Tanks that have been TOU for more than 6 Months [WWQRR, Chapter 17, Section 30(b)]. As the owner and operator of the USTs located at Etna Trading Company, Christine Burtness violated WWQRR, Chapter 17, Section 30(b), by not paying tank fees for 2015 when tanks have been TOU for more than 6 months.

Count 2: Failure to Complete a Minimum Site Assessment [WWQRR, Chapter 17, Section 30(c)]. As the owner and operator of the USTs located at Etna Trading Company, Christine Burtness violated WWQRR, Chapter 17, Section 30(c), by not completing a minimum site assessment when tanks have been TOU for more than 3 years.

Count 3: Failure to have Licensed Class A and B Operators [WWQRR, Chapter 17, Section 46(a) and (b)]. As the owner and operator of the USTs located at Etna Trading Company, Christine Burtness violated WWQRR, Chapter 17, Section 46(a) and (b), by not having Class A and B storage tank operators for the facility.

4. This Notice is being sent to you pursuant to W.S. 35-11-701(c)(i), which requires that in any case of the failure to correct or remedy an alleged violation, the director of the Department of Environmental Quality shall cause a written notice to be issued and served upon the person alleged to be responsible.

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ORDER

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL-STATE OF WYOMING

WHEREFORE IT IS HEREBY ORDERED THAT:

1. Within 90 days of receipt of this Notice of Violation Christine Burtness shall:
 - A. Pay 2015 tank fees totaling \$400.00. If tank fees are not paid by April 1, 2015, a late fee of \$100 per tank will also be due for a total of \$600.00.
 - B. Complete a minimum site assessment.
 - C. Obtain Class A and B licensed storage tank operators for Etna Trading Company.
2. This is a Red Tagging Order. Immediately after receiving this Notice and Order, Christine Burtness, is hereby prohibited from purchasing any fuel for delivery to the registered underground storage tanks at Etna Trading Company, storage tank facility 0-004194, located at 107857 North Highway 89, Etna, Wyoming. All fuel suppliers are ordered not to deliver any fuel to these tanks until notified by the department that this order has been lifted. The order will be lifted when:
 - A. Christine Burtness obtains a licensed Class B storage tank operator for Etna Trading Company.

THIS ORDER is final unless, not later than ten (10) days after the date this notice is received, it is appealed by filing a written petition for a hearing before the Environmental Quality Council. If a hearing is requested, the petition shall be mailed to the Chairman, Wyoming Environmental Quality Council, Room 1714, Herschler Building, 1st Floor West, 122 West 25th Street, Cheyenne, Wyoming 82002. The second petition shall be mailed to the Director, Wyoming Department of Environmental Quality, Herschler Building, 4th Floor West, 122 West 25th Street, Cheyenne, Wyoming 82002. Both petitions must be sent by certified mail, return receipt requested.

NOTHING IN THIS ORDER shall be interpreted to in any way limit or contravene any other remedy available under the Environmental Quality Act, nor shall this Order be interpreted as being a condition precedent to any other enforcement action.

SIGNED this 13th day of MARCH, 2015.


Todd Parfitt
Director
Department of Environmental Quality


Luke Esch
Administrator
Solid and Hazardous Waste Division

PLEASE DIRECT ALL INQUIRES TO: Oma Gilbreth, Storage Tank Program Compliance Supervisor at 122 West 25th Street, Fourth Floor, West Wing, Cheyenne, WY 82002, (307) 777-7097.

TP/LE/KLH